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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)	Case No. CR 3:20-mj-71703-MAG
)	
15 Plaintiff,)	STIPULATION AND PROPOSED
)	PROTECTIVE ORDER
16 v.)	
)	
17 ROBERT JESUS BLANCAS,)	
a/k/a "Orgotloth",)	
18 a/k/a "MuskOx",)	
)	
19 Defendant.)	
)	

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22 Plaintiff United States of America, by and through Eric Cheng, Assistant United States Attorney
23 for the Northern District of California, and the defendant, Robert Jesus BLANCAS, through his
24 undersigned counsel, hereby stipulate and agree as follows:

25 a) This is a case in which the defendant is charged with crimes involving victims and/or
26 witnesses who are minors (the Child Victims). As such, the Child Victims are entitled to certain
27 statutory protections, including: (1) Title 18, United States Code, section 3509, which affords certain
28 confidentiality protections to the Child Victims, including the requirement that the Child Victims' names

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1 not be included in any public filings and that the parties keep the names of child victims in a secure
2 place to which no person who does not have reason to know their contents has access; (2) Title 18,
3 United States Code, section 3771, which affords any victim of a crime the right to be treated with
4 fairness and respect for his or her dignity and privacy; and (3) Title 18, United States Code, section
5 3509(m), which provides that a court shall deny defense requests to copy, photograph, duplicate, or
6 otherwise reproduce material constituting child pornography if the government makes the material
7 reasonably available to the defendant and provides ample opportunity for the defense to examine it at a
8 government facility.

9 b) Some of the discovery materials the government intends to produce in this case may
10 include materials falling into one or more of the following categories (collectively, “Protected
11 Information”):

- 12 1. Personal Identifying Information of any individual, including without limitation any person’s
13 date of birth, social security number, residence or business address, telephone numbers, email
14 addresses, driver’s license number, professional license number, family members names, or
15 criminal histories (“Personal Identifying Information”);
- 16 2. The names and other personal information of Child Victims;
- 17 3. Financial information of any individual or business, including without limitation bank
18 account numbers, credit or debit card numbers, account passwords, contact information, and
19 taxpayer identification numbers (“Financial Information”); and
- 20 4. Medical records or other patient information of any individual covered by the Health
21 Insurance Portability and Accountability Act of 1996 (HIPAA) (“Medical Information”);

22 c) The government seized or otherwise obtained certain electronic devices from the
23 defendant (“Defendant’s Electronic Devices”) that may contain private and confidential information
24 relating to Child Victims and other individuals, including potentially personally identifiable information
25 such as account numbers, social security numbers, and dates of birth. Due to the nature in which the
26 information is stored, it cannot practicably be redacted.

27 THEREFORE, THE PARTIES STIPULATE AND AGREE that the Court should enter an order
28 restricting the disclosure of the Protected Information described above as follows:

1 1. All Protected Information produced by the government in this matter that is not
2 maintained on Defendant's Electronic Devices shall be stamped on its face "PROTECTED
3 INFORMATION – SUBJECT TO PROTECTIVE ORDER." All information stored on Defendant's
4 Electronic Devices will also be deemed Protected Information and subject to the terms of this Protective
5 Order.

6 2. The following individuals (the "Defense Team") may access and review Protected
7 Information for the sole purpose of preparing the defense and for no other purpose:

- 8 a) Counsel for defendant who have made an appearance in this matter; and
- 9 b) Persons employed by defense counsel to assist with the preparation of the
10 defense, including legal assistants, experts, and investigators, but only after any such individual
11 has reviewed, signed, and dated a copy of this Protective Order to reflect his or her agreement to
12 be bound by it.

13 3. The Defense Team may review with the defendant all discovery material produced by the
14 government, but shall not provide the defendant with copies of, or permit the defendant to make copies
15 of or have unsupervised access to, any discovery material produced by the government that contains
16 Protected Information, unless the Personal Identifying Information, Financial Information, and/or
17 Medical Information has first been **entirely redacted** from the discovery materials. Discovery material
18 that clearly pertains to the defendant and does not contain Protected Information regarding any other
19 person (*e.g.*, a defendant's own bank records, telephone records, and business records) may be provided
20 to the defendant unredacted.

21 4. The Defense Team shall not disclose the substance of any Protected Information received
22 from the government in the above-captioned matter to any third party without the express written
23 permission of the government or the approval of this Court. However, when interviewing a witness in
24 the course of preparing a defense, the Defense Team may review with a witness any communications
25 that the witness either authored or received, or excerpts consisting of interviews or information obtained
26 from that witness in investigation documents, but only in the presence of a member of the Defense
27 Team; the Defense Team shall not permit the witness to retain, make copies of, or have unsupervised
28 access to any such materials, and any such materials reviewed with the witness must not include any

1 material constituting child pornography.

2 5. The Defense Team shall refer to any Child Victim only by his or her self-identified
3 pseudonym or first and last initials in all pleadings and at any court hearings.

4 6. If the Defense Team files a pleading that references, contains, or attaches Protected
5 Information subject to this Protective Order, any portion of that pleading that references, contains, or
6 attaches Protected Information must be filed under seal. The Defense Team shall comply with Criminal
7 Local Rule 56-1 to ensure that Protected Information is not improperly disclosed but that any sealing
8 order is limited to those portions of the pleading for which there is a valid basis to seal.

9 7. All review and examination of Defendant's Electronic Devices will be conducted at the
10 offices of the Federal Bureau of Investigation (FBI), located at **2101 Webster Street, Oakland,**
11 **California 94612.** At the request of the Defense Team, an expert who is part of the Defense Team may
12 review the Electronic Devices at another FBI-designated facility that is reasonably available for such a
13 review. At the request of the Defense Team, the examination may be conducted outside the presence of
14 an agent or other government representative. The reviewing room will be equipped with a computer that
15 will permit the Defense Team to access a hard drive containing the Defendant's Electronic Devices.
16 The reviewing computer will have software installed on it that will permit the Defense Team to access
17 and analyze the data. Additional software tools may be installed on the reviewing computer at the
18 request of the Defense Team and with the prior approval of the FBI.

19 8. The Defense Team shall not make, nor permit to be made, any copies of the alleged child
20 pornography contained in the Defendant's Electronic Devices and shall not remove from the
21 government facility any child pornography. The Defense Team will be allowed to copy electronic
22 information that is not contraband and compile a report without contraband images or videos
23 documenting the examination, and this information may be stored on removable media that may be
24 removed from the facility subject to confirmation by FBI agents that the removable media does not
25 contain child pornography images.

26 9. With advance notice to the FBI, the Defense Team may bring to the government facility a
27 blank external storage drive to be used as a temporary digital workspace during the review and
28 examination of the Electronic Information. That drive will be stored in a secure location at the

1 government facility and will not be accessed or reviewed by any government agent or representative.
2 After the Defense Team has finished its review, or at such earlier time as the Defense Team requests, the
3 drive will be erased, reformatted, and returned to the Defense Team.

4 10. After any judgment or disposition has become final and there are no pending
5 proceedings, challenges, appeals, or habeas motions in the case, and after the deadline for any 28 U.S.C.
6 § 2255 motion has expired, the Defense Team shall destroy all documents and electronic media subject
7 to this Protective Order, delete any electronic copies of such documents or electronic media, or return
8 such documents or electronic media to the government. Should the Defense Team seek to retain copies
9 of any documents or electronic media that would otherwise be subject to this Protective Order, the
10 Defense Team may seek from government counsel copies of such documents or electronic media with
11 all Protected Information appropriately redacted, or may seek any other appropriate relief from the
12 Court.

13 11. This Protective Order applies to all attorneys associated with the above case who have
14 knowledge of this Protective Order, regardless of the nature of their involvement in the case.

15 12. Any disputes about this Protective Order, including any dispute about the government's
16 decision to designate materials as Protected Information, shall be resolved by this Court only after
17 counsel for the United States and the defendant have first conferred and attempted to resolve the dispute.
18 Defense counsel shall first raise any disputed designation with the government in writing. If the
19 government does not then agree to change the designation, the defense may raise the issue with the
20 Court.

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1 13. This stipulation is without prejudice to any party applying to the Court to modify the
2 terms of this Protective Order. This Court shall retain jurisdiction to modify this Protective Order upon
3 motion of any party even after the conclusion of district court proceedings in this case.
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5 **IT IS SO STIPULATED.**

DAVID L. ANDERSON
United States Attorney

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7 Dated: December 14, 2020


8 /s/
ERIC CHENG
FRANK RIEBLI
Assistant United States Attorneys

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11 Dated: December 14, 2020

12 /s/
GABRIELA BISCHOF
Counsel for Defendant Robert Jesus BLANCAS

13 **IT IS SO ORDERED.**

14
15 Dated: December 15, 2020

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HON. ALEX G. TSE
United States Magistrate Judge